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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **KHATCHIK PARONYAN, OWNER,**
14 **DBA VAN NUYS AUTOWORKS,**
14146 Oxford St., Unit D
Van Nuys, CA 91401

15 **Automotive Repair Dealer Registration No. ARD**
16 **271012**

16 **Lamp Station License No. LS 271012**
17 **Brake Station License No. BS 271012,**
18 **Smog Check Station License No. RC 271012,**

18 **and**

19 **KHATCHIK PARONYAN**
12415 Kittridge St.
20 N. Hollywood, CA 91606

21 **Advanced Emission Specialist Technician**
22 **License No. EA 149216 (renewed as EO 149216**
23 **and EI 149216)**

23 **Smog Check Inspector License No. EO 149216**
24 **(formerly Advanced Emission Specialist**
25 **Technician License No EA 149216)**

24 **Smog Check Repair Technician License No. EI**
25 **149216(formerly Advanced Emission Specialist**
26 **Technician License No EA 149216)**
27 **Brake Adjuster License No. BA 149216,**
28 **Lamp Adjuster License No. LA 149216**

Respondents.

Case No. *79/16-584*

ACCUSATION

Smog check

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
4 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 **Khatchik Paronyan, Owner, dba Van Nuys Autoworks**

6 **Automotive Repair Dealer Registration**

7 2. On or about November 30, 2012, the Bureau of Automotive Repair issued
8 Automotive Repair Dealer Registration Number ARD 271012 to Van Nuys Autoworks, Khatchik
9 Paronyan ("Respondent Autoworks"). The Automotive Repair Dealer Registration was in full
10 force and effect at all times relevant to the charges brought herein and will expire on November
11 30, 2016, unless renewed.

12 **Smog Check Station License**

13 3. On or about December 27, 2012, the Bureau of Automotive Repair issued Smog
14 Check Station License Number RC 271012 to Respondent Autoworks. The Smog Check Station
15 License was in full force and effect at all times relevant to the charges brought herein and will
16 expire on November 30, 2016, unless renewed.

17 **Lamp Station License**

18 4. On or about October 7, 2013, the Bureau of Automotive Repair issued Lamp Station
19 License Number LS 271012 to Respondent Autoworks. The Lamp Station License was in full
20 force and effect at all times relevant to the charges brought herein and will expire on November
21 30, 2016, unless renewed.

22 **Brake Station License**

23 5. On or about October 7, 2013, the Bureau of Automotive Repair issued Brake Station
24 License Number BS 271012 to Respondent Autoworks,. The Brake Station License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on November
26 30, 2016, unless renewed.

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1 **Khatchik Paronyan**

2 **Advanced Emission Specialist Technician License**

3 6. In 2004 the Bureau of Automotive Repair issued Advanced Emission Specialist
4 Technician License Number 149216 to Khatchik Paronyan ("Respondent Paronyan").
5 Respondent's technician license was due to expire on October 31, 2012, however, it was
6 cancelled on October 15, 2012, and renewed as EO 149216 and EI 149216.¹

7 **Smog Check Inspector License**

8 7. On or about October 15, 2012, the Bureau of Automotive Repair issued Smog Check
9 Inspector License Number EO 149216 to Respondent Paronyan. The Smog Check Inspector
10 License was in full force and effect at all times relevant to the charges brought herein and will
11 expire on October 31, 2016, unless renewed.

12 **Smog Check Repair Technician License**

13 8. On or about October 15, 2012, the Bureau of Automotive Repair issued Smog Check
14 Repair Technician License Number EI 149216 to Respondent Paronyan. The Smog Check Repair
15 Technician License expired on October 31, 2014, and has not been renewed.

16 **Brake Adjuster License**

17 9. In 2005, the Bureau of Automotive Repair issued Brake Adjuster License Number BA
18 149216 to Respondent Paronyan. The Brake Adjuster License was in full force and effect at all
19 times relevant to the charges brought herein and will expire on October 31, 2017, unless renewed.

20 **Lamp Adjuster License**

21 10. In 2005, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA
22 149216 to Respondent Paronyan. The Lamp Adjuster License was in full force and effect at all
23 times relevant to the charges brought herein and will expire on October 31, 2016, unless renewed.

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26 ¹ Effective August 1, 2012, California Code of Regulation, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

JURISDICTION

11. This Accusation is brought before the Director of the Department of Consumer Affairs ("Director") for the Bureau of Automotive Repair, under the authority of the following laws.

12. Business and Professions Code ("Code") section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

13. Code section 9884.13 states, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

STATUTORY PROVISIONS

14. Section 477 of the Code provides that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Code.

15. Section 490 of the Code provides that a board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the business and profession for which the license was issued.

16. Section 9889.3 of the Health and Safety Code states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Business and Professions Code that relates to his or her licensed activities.

(b) Is convicted of any crime substantially related to the qualifications, functions, or duties of the licenseholder in question.

....

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured...

17. Penal Code section 550 states, in pertinent part:

....

1 (b) It is unlawful to do, or to knowingly assist or conspire with any person to do, any
2 of the following:

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4 (2) Prepare or make any written or oral statement that is intended to be presented to
5 any insurer or any insurance claimant in connection with, or in support of or
6 opposition to, any claim or payment or other benefit pursuant to an insurance policy,
7 knowing that the statement contains any false or misleading information concerning
8 any material fact...

9 18. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
10 expiration or suspension of a license by operation of law, or by order or decision of the Director
11 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
12 the Director of jurisdiction to proceed with disciplinary action.

13 **COST RECOVERY**

14 19. Section 125.3 of the Code provides, in pertinent part, that a board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of Substantially Related Crime)**

20 20. Respondent is subject to disciplinary action under Code section 490 and 9889.3,
21 subdivision (b), in that Respondent was convicted of a crime substantially related to the
22 qualifications, functions, or duties of an automotive repair dealer, as follows:

23 a. On or about December 7, 2015, in Los Angeles Superior Court case number
24 BA436841, Respondent was convicted of having violated California Penal Code section 550,
25 subdivision (b)(2) (insurance fraud), a felony. The court placed respondent on formal probation
26 for a period of three (3) years, and ordered Respondent to complete 160 hours of community
27 service.

28 b. The felony complaint alleges that on July 1, 2011, Respondent conspired with another
and prepared a written and oral statement that was intended to be presented to an insurer and
insurance claimant knowing that the statement contained false and misleading information

1 concerning a material fact. The purpose of which was in support of and opposition to a claim and
2 payment and other benefit pursuant to an insurance policy.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty, Fraud, Deceit)**

5 21. Respondent is subject to disciplinary action under Code section 9889.3, subdivision
6 (d), in that on or July 1, 2011, Respondent committed acts of dishonesty, fraud, or deceit whereby
7 another is injured. Complainant refers to, and by this reference incorporates, the allegations set
8 forth above in paragraph 20, as though fully set forth herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 22. Respondent is subject to disciplinary action under Code section 9889.3, subdivision
12 (d), in that on or July 1, 2011, Respondent committed acts of dishonesty, fraud, or deceit whereby
13 another is injured. Complainant refers to, and by this reference incorporates, the allegations set
14 forth above in paragraph 20, as though fully set forth herein.

15 **OTHER MATTERS**

16 23. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
17 or place on probation the registration for all places of business operated in this state by
18 Respondent Paronyan, upon a finding that Respondent Paronyan has, or is, engaged in a course of
19 repeated and willful violations of the laws and regulations pertaining to an automotive repair
20 dealer.

21 24. Pursuant to Code section 9889.9, if Lamp Station License Number LS 271012, issued
22 to Respondent Paronyan, is revoked or suspended, any additional license issued under Articles 5
23 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise
24 revoked or suspended by the Director.

25 25. Pursuant to Code section 9889.9, if Brake Station License Number BS 271012, issued
26 to Respondent Paronyan, is revoked or suspended, any additional license issued under Articles 5
27 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise
28 revoked or suspended by the Director.

26. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station License Number RC 271012, issued to Respondent Paronyan, owner of Van Nuys Autoworks, is revoked or suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

27. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 149216, issued to Respondent Paronyan is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

28. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EI 149216, issued to Respondent Paronyan is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

29. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 149216, issued to Respondent Paronyan, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

30. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 149216, issued to Respondent Paronyan, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 271012, issued to Khatchik Paronyan, owner, dba Van Nuys Autoworks;

2. Revoking or suspending any other automotive repair dealer registration issued to Louis Khatchik Paronyan;

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- 1 3. Revoking or suspending Lamp Station License Number LS 271012, issued to
- 2 Khatchik Paronyan, owner, dba Van Nuys Autoworks;
- 3 4. Revoking or suspending Brake Station License Number BS 271012, issued to
- 4 Khatchik Paronyan, owner, dba Van Nuys Autoworks;
- 5 5. Revoking, suspending, or placing on probation any additional license issued under
- 6 Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of Khatchik Paronyan;
- 7 6. Revoking or suspending Smog Check Station License Number RC 271012, issued to
- 8 Khatchik Paronyan, owner, dba Van Nuys Autoworks;
- 9 7. Revoking or suspending Advanced Emission Specialist Technician License Number
- 10 EA 149216, issued to Khatchik Paronyan renewed as EO 149216 and EI 149216;
- 11 8. Revoking or suspending Smog Check Inspector License Number EO 149216, issued
- 12 to Khatchik Paronyan;
- 13 9. Revoking or suspending Smog Check Repair Technician License Number EI 149216,
- 14 issued to Khatchik Paronyan;
- 15 10. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 16 and Safety Code in the name of Khatchik Paronyan;
- 17 11. Revoking or suspending Brake Adjuster License Number BA 149216, issued to
- 18 Khatchik Paronyan;
- 19 12. Revoking or suspending Lamp Adjuster License Number LA 149216, issued to
- 20 Khatchik Paronyan;
- 21 13. Revoking, suspending, or placing on probation any additional license issued under
- 22 Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of Khatchik Paronyan;
- 23 14. Ordering Khatchik Paronyan, owner, dba Van Nuys Autoworks to pay the Bureau of
- 24 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
- 25 pursuant to Business and Professions Code section 125.3; and,

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15. Taking such other and further action as deemed necessary and proper.

DATED: December 8, 2016 Patrick Doraïs

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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